

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FREDDIE BILLS, JR.,

Petitioner,

v.

KEN McKEE,

Respondent.

Case No. 1:02-CV-244

Hon. Richard Alan Enslen

ORDER

Petitioner Freddie Bills, Jr. filed a Motion for Reconsideration on May 25, 2005. The Motion follows the Final Order in this case (which was entered on March 21, 2005) and the Order of May 16, 2005, which denied multiple reconsideration motions made by Petitioner. The Motion also follows the filing of a notice of appeal by Petitioner.

Petitioner's notice of appeal divested this Court of jurisdiction under Federal Rule of Civil Procedure 60. *See Morse v. McWhorter*, 290 F.3d 795, 799 (6th Cir. 2002); *First Nat'l Bank of Salem, Ohio v. Hirsch*, 535 F.2d 343 (6th Cir. 1976). Notwithstanding, the Court retains jurisdiction, in appropriate cases, to certify to the Sixth Circuit Court of Appeals that it is inclined to grant relief under Rule 60 upon remand from the Sixth Circuit. *Id.* Accordingly, the Court will treat Petitioner's Motion as a request for such a certification.

This Motion does not warrant any certification to the Sixth Circuit because the standards for reconsideration have not been met. *See W.D. Mich. L. Civ. R. 7.4(a); GenCorp, Inc. v. American Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). Furthermore, to the extent that Petitioner seeks an extraordinary remedy of mandamus—requiring the Magistrate Judge to serve upon him

copies of unpublished opinions referenced in her Report and Recommendation, the request is also denied because there are insufficient grounds stated for such remedy.

THEREFORE, IT IS HEREBY ORDERED that Petitioner Freddie Bills, Jr.'s Motion for Reconsideration (Dkt. No. 119) is **DENIED**.

DATED in Kalamazoo, MI:
June 3, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
UNITED STATES DISTRICT JUDGE